

**ORIGINAL**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**KERRY LANGSTAFF, et al**

Petitioners/Respondents

v.

**ALLEN A. MITCHELL, M.D.,  
SAMUEL M. LESKO, M.D., and  
TRUSTEES OF BOSTON UNIVERSITY**

Petitioners/Respondents

§ **Civil Action No. 04-MBD-10128**  
 § **and No. 04-MBD-10137**  
 §  
 § Related Civil Action:  
 § United States District Court for the  
 § Northern District of California, San  
 § Jose Division  
 § Civil Action No. 03-CV-01116  
 § KERRY LANGSTAFF, et al vs.  
 § MCNEIL CONSUMER &  
 § SPECIALITY  
 § PHARMACEUTICALS, et al  
 §  
 §

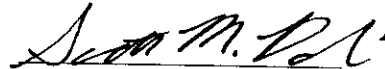
**PETITIONERS LANGSTAFF PLAINTIFFS' MOTION TO WITHDRAW  
EMERGENCY MOTION FOR EXPEDITED ENTRY OF ORDER**

TO THE HONORABLE JUDGE OF SAID COURT:

Come now Langstaff Plaintiffs, party in the above-referenced matters, and make this Motion to Withdraw their Emergency Motion for Expedited Entry of Order ("Emergency Motion"). On June 28, 2004, Langstaff Plaintiffs made the Emergency Motion, which was file-stamped on June 29, 2004. In the Emergency Motion, it was requested that the Court enter an order regarding Langstaff Plaintiffs' Motion to Compel and Boston University's Motion to Quash Oral Subpoena and Subpoena Duces Tecum. Unknown to Langstaff Plaintiffs, the Court had signed an order ruling on both motions, which was not docketed until June 29, 2004. Accordingly, Langstaff Plaintiffs Emergency Motion is hereby moot. Thus, Langstaff Plaintiffs submit this Motion to Withdraw, and hereby thank the Court for its patience and attention.

**WHEREFORE, PREMISES CONSIDERED,** Langstaff Plaintiffs respectfully requests this Court withdraw Langstaff Plaintiffs Emergency Motion for Expedited Entry of Order and enter an order finding it to be moot. Langstaff Plaintiffs further pray for any and all additional relief to which they may be entitled.

Respectfully submitted,



**WATERS & KRAUS, LLP**  
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**CERTIFICATE OF SERVICE**

I certify that the foregoing Petitioners' Langstaff Plaintiffs Motion to Withdraw their Emergency Motion for Expedited Entry of Order was served on Boston University and all counsel of record via facsimile on the 7<sup>th</sup> day of July, 2004.

  
**SCOTT M. DOLIN**

**CERTIFICATE OF CONFERENCE**

I certify that counsel for Petitioners Langstaff Plaintiffs attempted to confer with counsel for Respondents Boston University regarding this matter via telephone on July 7, 2004. Langstaff Plaintiffs do not anticipate that any opposition to this Motion.

  
**SCOTT M. DOLIN**

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**PETITIONERS LANGSTAFF PLAINTIFFS' MOTION TO WITHDRAW**  
**EMERGENCY MOTION FOR EXPEDITED ENTRY OF ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2004, the Court considered Petitioners' Langstaff  
Plaintiffs Motion to Withdraw Emergency Motion for Expedited Entry of Order. After  
considering the motion, the Court **GRANTS** the motion, and hereby orders that Langstaff  
Plaintiffs Emergency Motion for Expedited Entry of Order is moot.

Signed on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
HONORABLE JUDGE